

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CINTHIA CAROLINA REYES ORELLANA and  
SAMYA MOFTAH, individually and on  
behalf of all similarly situated  
retail customers,

Plaintiffs,

- against -

MACY'S RETAIL HOLDINGS, INC. d/b/a  
Macy's f/k/a MACY'S EAST a/k/a Macy's,  
INC.; LAW OFFICES OF PALMER, REIFLER  
and ASSOCIATES, P.A.,

Defendants.  
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**NAOMI REICE BUCHWALD**  
**UNITED STATES DISTRICT JUDGE**

Relying on Federal Rule of Appellate Procedure 10(c),  
plaintiffs have submitted to this Court a Statement of Evidence  
for settlement and approval. The Statement purports to be a  
"transcript" of a conference held on July 31, 2018, several weeks  
after we issued our Memorandum and Opinion on July 10, 2018  
("M&O"), which is the decision on appeal. The July 31 conference  
was scheduled in the M&O (although the original date had to be  
adjusted) for the purpose of discussing next steps (and not re-  
argument) following plaintiffs' filing of an amended class action  
complaint consistent with the M&O, which, in 60 pages, had granted  
in part and denied in part plaintiffs' motion for leave to amend

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**ORDER**

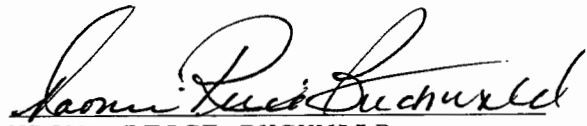
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their complaint and denied without prejudice plaintiffs' motion to enforce the state court's preliminary injunction.

This Court declines to approve the Statement of Evidence. The Statement is woefully incomplete and therefore inaccurate and inevitably misleading. The Statement is four doubled-spaced pages, while the Court's internal record is five and a quarter single-spaced pages. Of course, the Court's internal record is just that -- our work product. However, it goes without even saying that, if the Court of Appeals requests a copy of our notes, we would immediately make them available to the panel hearing the appeal.

**SO ORDERED.**

Dated: New York, New York  
November 8, 2018

  
NAOMI REICE BUCHWALD  
UNITED STATES DISTRICT JUDGE